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March 8, 2022

VIA ECF

The Honorable Susan D. Wigenton, U.S.D.J.
United States District Court
King Fed. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Celgene Corporation v. Alembic Pharmaceuticals Limited*
Civil Action No. 21-20099 (SDW)(LDW)

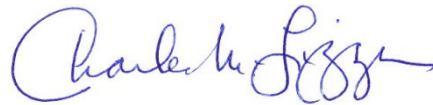
Dear Judge Wigenton:

This firm, together with Quinn Emanuel Urquhart & Sullivan, LLP and Jones Day, represents plaintiff Celgene Corporation (“Celgene” or “Plaintiff”) in the above-captioned matter.

Enclosed is a Stipulation and [Proposed] Order Withdrawing Defendant’s Affirmative Defenses Ten and Eleven and Plaintiff’s Motion to Strike, to which the parties have agreed. Entry of this Stipulation and [Proposed] Order would moot Celgene’s pending Motion to Strike Improper Affirmative Defenses Ten and Eleven (D.I. 34). If the enclosed Stipulation and [Proposed] Order meets with the Court’s approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor’s kind attention to this matter.

Respectfully yours,



Charles M. Lizza

Enclosure

cc: All Counsel (via e-mail)

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Celgene Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CELGENE CORPORATION,

Plaintiff,

v.

ALEMBIC PHARMACEUTICALS
LIMITED,

Defendant.

Civil Action No. 21-20099 (SDW)(LDW)

(Filed Electronically)

**STIPULATION AND ORDER WITHDRAWING DEFENDANT'S AFFIRMATIVE
DEFENSES TEN AND ELEVEN AND PLAINTIFF'S MOTION TO STRIKE**

WHEREAS, on February 1, 2022, Plaintiff Celgene Corporation ("Celgene") filed its Motion to Strike Improper Affirmative Defenses Ten and Eleven from Defendants Alembic Pharmaceuticals Limited, Alembic Global Holding SA, and Alembic Pharmaceuticals, Inc.'s Answer, Defenses, and Counterclaims (D.I. 34);

WHEREAS, the parties thereafter met and conferred, and Defendant Alembic Pharmaceuticals Limited¹ ("Alembic") has agreed to withdraw Affirmative Defenses Ten and Eleven (D.I. 13 at 29);

¹ On March 7, 2022, the Court entered an order dismissing Alembic Global Holding SA and Alembic Pharmaceuticals, Inc. as parties. (D.I. 59).

WHEREAS, based on Alembic's agreement to withdraw Affirmative Defenses Ten and Eleven, Celgene has agreed to withdraw its Motion to Strike;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, based on the foregoing, and subject to the Court's approval, that:

1. Alembic's Affirmative Defenses Ten and Eleven (D.I. 13 at 29) are hereby withdrawn; and
2. Celgene's Motion to Strike Improper Affirmative Defenses Ten and Eleven (D.I. 34) is hereby withdrawn as moot.

Dated: March 8, 2022

SO STIPULATED:

s/ Charles M. Lizza
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*Attorneys for Defendant
Alembic Pharmaceuticals Limited*

SO ORDERED on this ____ day of _____, 2022.

Hon. Susan D. Wigenton, U.S.D.J.